



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARK I. SOKOLOW, et al.,

Plaintiffs,

- against -

PALESTINE LIBERATION ORGANIZATION, et al.,

Defendants.

ORDER

04 Civ. 397 (GBD) (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

I. INTRODUCTION

Plaintiffs ask the Court to reconsider and reverse the denial of their request for Court-issued letters requesting judicial assistance from the State of Israel pursuant to the Hague Convention. (Pl.'s Mem. in Supp. of Mot. for Recons. ("Plaintiffs' Motion for Reconsideration"), Dec. 23, 2012 at 2.) Plaintiffs argue that the Court denied the issuance of the letters based on a mistake of fact, and therefore the Order denying the Hague Letter as to Bilal Barghouti should be reversed. (Doc. No. 171 at 2-3.) For the reasons set forth below, Plaintiffs' Motion for Reconsideration is **DENIED**.

II. DISCUSSION

The standard for a motion for reconsideration under Local Rule 6.3 and Federal Rule of Civil Procedure 59(e) is a strict one. *See Schrader v. CSX Tramp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995). The party must be able to "point to controlling decisions or data that the court overlooked – matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." *Id.* A motion for reconsideration "is not a substitute for appeal," *Morales v. Quintiles Transnat'l Corp.*, 25 F. Supp. 2d 369, 372 (S.D.N.Y. 1998), and is generally only granted on three grounds: "(1) an intervening change of controlling law, (2) the availability of new

evidence, or (3) the need to correct a clear error or prevent manifest injustice.” *Virgin Atl. Airways, Ltd. v. Nat’l Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992). Here, Plaintiffs claim the Court misapprehended factual matters when ruling on Plaintiffs’ application for Hague Letters and relied on an assertion that Abdullah Barghouti and Bilal Barghouti were brothers. (Plaintiffs’ Motion for Reconsideration at 1.) Plaintiffs did not cite new evidence or facts regarding the familial relationship.

The Court did not rely on this assertion of familial ties in determining its ruling as to Bilal Barghouti. Plaintiffs have not only failed to meet the strict standard under FRCP 59(e), they have failed to provide a basis for reconsideration. Accordingly, Plaintiffs’ Motion for Reconsideration is **DENIED**.

SO ORDERED this 31st day of January 2012
New York, New York

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

The Honorable Ronald L. Ellis
United States Magistrate Judge